IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1510 OF 2002

Sharokh Nikorawalla ..Petitioner
Vs.
Lloyds Finance Ltd.& Anr. ..Respondents

...
Mr.J.R.Khan Advocate (Absent) for Petitioner
Mr.G.N.Pandit Adv. for Respondent No.1
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 14,2006

P.C.

1. Heard.

2. The petitioner-original accused is seeking quashing of process issued by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai in Case No.970/S/1999. The said case is under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order in the case of **V.K.Jain and others Vs. Pratap P.Padode reported in 2005(3) Mh.L.J. 778,** in my view, it is clear that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the

order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The revision to be preferred within five weeks from today.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties. As far as delay in preferring revision application is concerned, the learned advocate for the respondent-original complainant states that no objection will be raised in respect of delay in filing revision. The proceedings before the trial Court are stayed for a period of five weeks from today. It is made clear that if the revision is not preferred within a period of five weeks from today, the trial Court to proceed.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]